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ELLIOTT & ELLIOTT, P.A.
ATTORNEYS AT LAW
721 OLIVE STREET
COLUMBIA, SOUTH CAROLINA 29205
selliott@elliottlaw.us

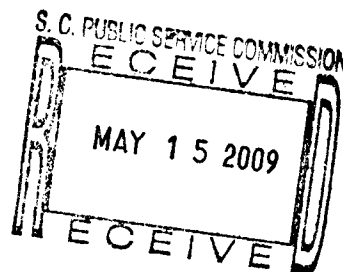
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SCOTT ELLIOTT

TELEPHONE (803) 771-0555
FACSIMILE (803) 771-8010

May 14, 2009



Mr. Charles L.A. Terreni
Chief Clerk of the Commission
SC Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211

RE: Annual Review of Base Rates for Fuel Costs for Duke Energy Carolinas, LLC
Docket No. 2009-3-E

Dear Mr. Terreni:

Enclosed please find for filing an original and ten (10) copies of the Petition to Intervene of the South Carolina Energy Users Committee ("SCEUC") in the above-captioned matter. By copy of this letter, I am serving all parties of record and requesting that each serve me with all outstanding motions or other pleadings, together with all discovery responses served to date and to be served.

✓ I have enclosed an extra copy of this petition which I would ask you to date stamp and return to me in the stamped self-addressed envelope enclosed for your convenience. If you have questions, please do not hesitate to contact me.

Sincerely Yours,

ELLIOTT & ELLIOTT, P.A.


Scott Elliott

SE/jcl
Enclosures

c: All parties of record (w/Encl.)

OK D. Duke
OK D. Duke

STATE OF SOUTH CAROLINA**(Caption of Case)****Annual Review of Base Rates for Fuel Costs Duke
Energy Carolinas, LLC****BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA****COVER SHEET****DOCKET****NUMBER: 2009 - 3 - E**

(Please type or print)

Submitted by: Scott Elliott**SC Bar Number:** 1872**Address:** 721 Olive Steet**Telephone:** 803-771-0555Columbia, SC 29205**Fax:** 803-771-8010**Other:** _____**Email:** sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**
- ☐ **Other:** _____

INDUSTRY (Check one)**NATURE OF ACTION (Check all that apply)**

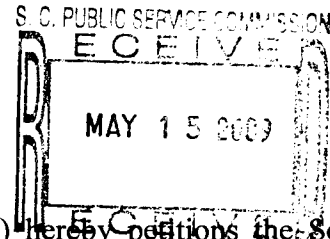
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|--|--|--|---|
| <input checked="" type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certificatio |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigator |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

ORIGINAL

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2009-3-E

IN THE MATTER OF:)
)
Duke Energy Carolinas, LLC Annual)
Review of Base Rates for)
Fuel Costs)

PETITION TO INTERVENE



The South Carolina Energy Users Committee ("SCEUC") hereby petitions the South Carolina Public Service Commission ("Commission") pursuant to R.103-825 of the Commission's rules and regulations to intervene and be made a party of record in the above-captioned docket. In support of this Petition, SCEUC would allege as follows:

1. That S.C. Code Ann. §58-27-865 (Supp. 2008) established a procedure for annual hearings to allow the Commission and all interested parties to review the fuel purchasing practices and policies of Duke Energy Carolinas, LLC ("Duke") and for the Commission to determine if any adjustment in the fuel cost recovery mechanism is necessary and reasonable.
2. That SCEUC is an association organized in the State of South Carolina, consisting of large consumers of energy which are engaged in various manufacturing enterprises throughout the State.
3. That a number of members of SCEUC purchase and consume substantial amounts of electricity from Duke.

4. That SCEUC and its members have a direct and material interest in the issues to be addressed and resolved by the Commission in this docket and the interests of its members are not adequately represented by the current parties to this proceeding.

5. That given the state of the record at this stage of the proceedings, SCEUC lacks sufficient information to fully develop and state its position in this proceeding at this time.

6. That granting SCEUC's request to be made a party of record in this proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing its views and concerns can be developed.

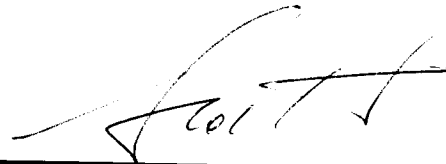
7. That in accordance with Rule R. 103-804 (S) of the Commission's Rules of Practice and Procedure, Petitioner is represented by counsel in this proceeding:

Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, South Carolina 29205
Telephone: 803-771-0555
Fax: 803-771-8010

WHEREFORE, Petitioner prays for the following relief:

- a. That this Petition to Intervene be accepted and that Petitioner be made a party of record;
- b. That Petitioner be allowed to participate fully in this proceeding and take such positions as it deems advisable; and

- c. For such other and further relief as is just and proper.



Scott Elliott, Esquire
ELLIOTT & ELLIOTT, P.A.
721 Olive Street
Columbia, SC 29205
(803) 771-0555

Attorney for the South Carolina Energy
Users Committee

13
Columbia, South Carolina
May 14, 2009

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Duke Energy Carolinas, LLC Annual Review of Base
Rates for Fuel Costs

DOCKET NO.: 2009-3-E

PARTIES SERVED:

Lara S. Nichols, Esquire
Duke Energy Carolinas, LLC
P. O. Box 1006
Charlotte, NC 28201-1006

Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

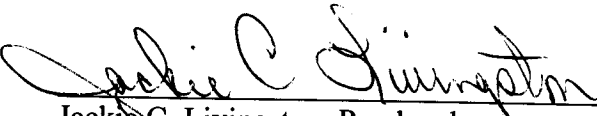
Frank R. Ellerbe, Esquire
Robinson, McFadden & Moore, PC
P. O. Box 944
Columbia, SC 29202

Catherine E. Heigel, Esquire
Duke Energy Carolinas, LLC
P. O. Box 1006, EC03T
Charlotte, NC 28201-1006

Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, PC
P. O. Box 944
Columbia, SC 29202

PLEADING: PETITION TO INTERVENE BY SOUTH CAROLINA
ENERGY USERS COMMITTEE

May 14, 2009


Jackie C. Livingston, Paralegal